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7 RITE AID CORPORATION

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11
12 BEVERAGES & MORE, INC., a
Delaware corporation,

13 Plaintiff,

14 vs.
15 RITE AID CORPORATION, a Delaware
corporation,

16 Defendant.

17 Case No. C 05 4659 PVT

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**STIPULATION AND [PROPOSED]
ORDER RE CASE MANAGEMENT
SCHEDULE**

1 WHEREAS, April 4, 2006 is the current deadline for the Parties to exchange initial
2 disclosures and to file a case management conference statement in this matter.

3 WHEREAS, this matter is set for an initial case management conference on April 11,
4 2006.

5 WHEREAS, the Parties have agreed on the terms of a settlement, in principle, and
6 anticipate that they will be able to finalize a written settlement agreement shortly. The Parties
7 wish to avoid unnecessary expenditures of time and resources by the Court or the Parties.

8 WHEREAS, this is only the second request for an extension of time; the Parties
9 previously requested a one-month extension to facilitate settlement negotiations, which this Court
10 granted. The parties do not anticipate the need for any further extensions.

11 THEREFORE THE PARTIES HEREBY STIPULATE TO THE FOLLOWING
12 MODIFICATION TO THE EXISTING SCHEDULE IN THIS MATTER:

13 1. The initial case management conference set for April 11, 2006 is hereby vacated.
14 2. The Parties shall appear for an initial case management conference before
15 Magistrate Judge Patricia V. Turnbull on May 9, 2006 at 2:00 p.m., or such other date subsequent
16 to April 11 as may fit the Court's calendar.

17 3. The parties shall complete initial disclosures or state objection in a Rule 26(f)
18 Report, file and serve Case Management Statement and file and serve a Rule 26(f) Report no later
19 than seven days prior to the reschedule initial case management conference.

20 The parties respectfully request that the Court approve and sign this Order.

21 Dated: March 30, 2006

Respectfully,

22 HOWARD RICE NEMEROVSKI CANADY
23 FALK & RABKIN
24 A Professional Corporation

25 By:

26 Jeffrey E. Fauchette
27 Attorneys for Plaintiff BEVERAGES &
28 MORE, INC.

1 Dated: March 30, 2006

Respectfully,

2 MORGAN, LEWIS & BOCKIUS LLP

3 By:

4 Carla B. Oakley

5 Attorneys for Defendant RITE AID
6 CORPORATION

7 ORDER

8 IT IS SO ORDERED.

9 Dated: 3/30/06, 2006

10 Patricia V. Turnbull

11 Honorable Patricia V. Turnbull
United States Magistrate Judge